

HOUSE BILL 3042

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 17, Part 1, relative to dog and cat dealers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 44-17-102, is amended by deleting item (6) in its entirety and by deleting item (4) and substituting instead the following:

(4) "Dealer" means any person who, for compensation or profit, buys, sells, transports (except as a common carrier), delivers for transportation, or boards dogs or cats for research purposes, or any person who buys or sells for resale (wholesale or retail), or any person who sells directly to consumers more than fifty (50) dogs or cats in any one (1) calendar year.

SECTION 2. Tennessee Code Annotated, Section 44-17-103, is amended by deleting subsection (b) and substituting instead the following:

(b) A violation of this section is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 44-17-104, is amended by deleting subsection (b) and substituting instead the following:

(b) Each application for a license shall be accompanied by a license fee based upon the following:

(1) Dealer license fee to sell dogs or cats to research facilities – two hundred and fifty dollars (\$250).

(2) Dealer license fee (wholesale or retail) to buy or sell dogs or cats for resale – transactions of up to and including 50 animals per year – one hundred and twenty-five dollars (\$125).

(3) Dealer license fee (wholesale or retail) to buy or sell dogs or cats for resale or to sell dogs and cats directly to consumers to be assessed as follows:

(A) Transactions of 51 to 150 animals per year – two hundred and fifty dollars (\$250);

(B) Transactions of 151 to 300 animals per year – five hundred dollars (\$500);

(C) Transactions of 301 to 500 animals per year – seven hundred and fifty dollars (\$750);

(D) Transactions of more than 500 animals per year – one thousand dollars (\$1000).

(4) Dealer license fee to transport dogs or cats in commerce – one hundred and twenty-five dollars (\$125).

SECTION 4. Tennessee Code Annotated, Section 44-17-105, is amended by deleting subsection (a) and substituting instead the following:

(a) The commissioner shall issue a license to an applicant after determining:

(1) The applicant or any responsible officer thereof has never been convicted of cruelty to animals or of a violation of this part;

(2) An inspection has been made of the premises and a finding that it conforms to the provisions of this part and the rules and regulations of the commissioner, and is a suitable place in which to conduct the dealer's business; and

(3) The dealer's business is to be conducted in a permanent structure or building.

SECTION 5. Tennessee Code Annotated, Section 44-17-106, is amended by deleting the section in its entirety and substituting instead the following:

(a) A license, unless sooner suspended or revoked, shall be renewable annually upon filing by the licensee and approval by the commissioner, of an annual report upon such forms and containing such information as the commissioner may prescribe by regulation. The fee for renewal of licenses shall be based upon the following:

(1) Dealer license fee to sell dogs or cats to research facilities - two hundred and fifty dollars (\$250)

(2) Dealer license fee (wholesale or retail) to buy or sell dogs or cats for resale – transactions of up to and including 50 animals per year – one hundred and twenty-five dollars (\$125).

(3) Dealer license fee (wholesale or retail) to buy or sell dogs or cats for resale or to sell dogs and cats directly to consumers to be assessed as follows:

(A) Transactions of 51 to 150 animals per year – two hundred and fifty dollars (\$250);

(B) Transactions of 151 to 300 animals per year – five hundred dollars (\$500);

(C) Transactions of 301 to 500 animals per year – seven hundred and fifty dollars (\$750);

(D) Transactions of more than 500 animals per year – one thousand dollars (\$1,000).

(4) Dealer license fee to transport dogs or cats in commerce - one hundred and twenty-five dollars (\$125).

SECTION 6. Tennessee Code Annotated, Section 44-17-115, is amended by adding the following new subsections (e) and (f):

(e) The commissioner is authorized to issue civil penalties in an amount not to exceed one thousand dollars (\$1000) for each violation of the provisions of this part or the rules promulgated for its administration and enforcement.

(f) The commissioner is authorized to obtain court ordered injunctions and restraining orders as necessary to prevent violation of this part.

SECTION 7. Tennessee Code Annotated, Section 44-17-116, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person who violates any of the provisions of this part commits a Class A misdemeanor.

(b) After notice of any violation received from the commissioner, each sale or each day of operation without a valid license constitutes a separate offense.

SECTION 8. Tennessee Code Annotated, Section 44-17-121, is amended by deleting the section in its entirety and substituting instead the following:

Subject to the provisions of this part, the commissioner has the authority to order the confiscation of animals as may be necessary to provide for the humane treatment of such animals and to coordinate the efforts of humane organizations to take custody of such animals.

SECTION 9. Tennessee Code Annotated, Section 44-17-122, is amended by deleting the section in its entirety and substituting instead the following:

The commissioner may enter into cooperative agreements with local and/or federal agencies for purposes of implementing this part.

SECTION 10. Tennessee Code Annotated, Title 44, Chapter 17, Part 1, is amended to add the following new section:

§ 44-17-123.

(a) The license fees and renewals collected under this part shall be deposited in the agricultural regulatory fund established in § 43-1-701 and are to be used exclusively for the enforcement of this chapter,

(b) In addition to the inspection fee on commercial feed collected by the department pursuant to § 44-6-109, there is hereby levied an additional two dollars (\$2.00) per ton fee to be collected on pet food as defined in § 44-6-103. Such fee shall be collected in the same manner as the commercial feed inspection fee and shall be deposited in the agricultural regulatory fund for the enforcement of this chapter.

SECTION 11. This act shall take effect upon becoming law, the public welfare requiring it.